

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 19-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The first connector being attached to a first fixed point on the line is not supported in the original disclosure.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 19 recites the limitation "the flexible sheet" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19, 20, 21, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaupert (US 4653219) in view of Rimar (US 3039419).

The patent to Kaupert shows a fishing device having a line 30b connectable between a fishing line 12b and a hook 72 as shown in Fig. 4. Kaupert shows a parachute 36b. Kaupert shows in Fig. 2 a parachute 36 having a plurality of suspension lines 46 each having first end and a second with the first end being connected at spaced locations near the periphery of the parachute. Kaupert shows a first connector 48 attached to the second ends of the suspension lines. Kaupert shows the first connector mounted on elongated shaft 22 in Fig. 2. The patent to Rimar shows a parachute 5 having suspension lines 12 (each having a first end and a second end) connected at the second ends to a fixed point 16 on a first connector 3 and connected at the first ends to grommets 9 in parachute 5. The first connector is attached to a fixed point on main body 1. In reference to claim 19, Kaupert shows in the embodiments of Fig. 2 and Fig. 4 all of the elements recited with the exception of the first connector attached to a first fixed point on the line which is shown by Rimar. It would have been obvious to provide the fishing device of Kaupert (which is a combination of the embodiments shown in Figs. 2 and 4 taking the basic device shown in Fig. 2 and mounting it a line as shown in the embodiment of Fig. 4) with a first connector attached to a first **fixed** point on the line as shown by Rimar since merely simple substitution of one known element for another to yield predictable results is contemplated and the function is the same. See

the citation to KSR Int'l. v. Teliflex, Inc., below. In reference to claim 20, The parachute of Kaupert is shaped to provide a greater drag when the line is pulled in a direction of the hook than when the line is pulled in a direction of the fishing line. In reference to claim 21, Kaupert shows the line in Fig. 4 passing through at least a portion of the parachute. In reference to claim 22, it appears that the connector 48 of Kaupert can rotate about the rod 22 since it slides on the rod. When mounted on a line such as shown in Fig. 4, the first connector would also slide on the line. In reference to claim 25, Rimar shows a plurality of openings 9 in the parachute which can impede the rotation of parachute when pulled through the water. It would have been obvious to provide these openings to the parachute of Kaupert to attach the lines.

Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaupert in view of Rimar as applied to claim 19 above, and further in view of Thayer et al. (US 5131183).

The patents to Kaupert and Rimar show parachutes and have been discussed above and do not show a two part container. Rimar shows a one part container 20 in Fig. 3. The patent to Thayer shows a fishing device 10 having a two part container 20, 26 in Fig. 1. In reference to claim 23, it would have been obvious to provide the fishing device of Kaupert as modified by Rimar with a two part container as shown by Thayer to store the fishing device for the purpose of camouflaging the device as disclosed by Kaupert in column 4, lines 17-27. Combining prior art elements according to known methods to yield predictable results has been held to be obvious. See KSR International Co. v. Teliflex Inc., 82 USPQ2d 1385 (US 2007). In reference to claim 24,

the flexible sheet of Kaupert can be considered to be trash packed within the container noting that what can be considered as trash has many interpretations.

Allowable Subject Matter

8. Claims 7 and 11 are allowed.

Response to Arguments

9. Applicant's arguments with respect to claims 19-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Pagan, and Clarke show other parachutes to be used in water to create a drag.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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